



PATENT CASE: AL01381K

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Joseph A. Kozlowski *et al.*

For Patent For:

CANNABINOID RECEPTOR LIGANDS

Serial No.: **10/072,354**

Filed: **02/06/2002**

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Examiner: **Janet Coppins**

Group Art Unit: **1625**

Date: **March 16, 2004**

Schering-Plough Corporation
Kenilworth, New Jersey 07033-0530

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Petition Under 37 C.F.R. §1.181

Applicants respectfully request entry of the Amendment under 37 C.F.R. §1.312 submitted on January 6, 2004.

On August 5, 2002, the Examiner required restriction in the present application.

On October 7, 2002, Applicants elected the subject matter of Group I.

On January 22, 2003, an Official Action was issued, in which the Examiner expanded the elected subject matter to include Groups I, VI, XIII, and XVIII, and indicated that claims amended to delete non-elected subject matter would be allowable.

On April 22, 2003, Applicants amended the claims of the above-noted application, by deleting the non-elected subject matter. In response, the Examiner allowed the claims, and on July 1, 2003, the Office issued a Notice of Allowance.

On October 16, 2003, Applicants filed a Request for Continued Examination in order to submit additional Information Disclosure Statements.

On December 16, 2003, the Office issued a second Notice of Allowance.

Applicants then discovered that the amended claims of the amendment of April 22, 2003 were mistakenly those of U.S. Application Serial No. 10/214,897, rather than that of the present application. Applicants brought this fact to the Examiner's attention on December 17, 2003. In order to rectify this error, the Examiner proposed that Applicants file an Amendment under 37 C.F.R. §1.312, canceling the existing claims, and adding new

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claims corresponding to the original claims of the present application, in which the non-elected subject matter had been deleted. Applicants then filed the above-noted Amendment under 37 C.F.R. §1.312 on January 6, 2004, in which the claims were amended as suggested by the Examiner.

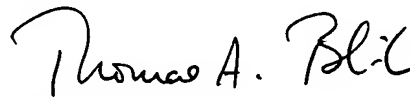
Applicants subsequently faxed an additional copy of the Amendment under 37 C.F.R. §1.312 to the Examiner on January 20, 2004, at the Examiner's request, in order to facilitate entry of the amendment.

However, Applicants, as yet, have not been notified that the Amendment under 37 C.F.R. §1.312 has been entered.

Applicants respectfully submit that the new claims of the Amendment under 37 C.F.R. §1.312 filed January 6, 2004 are directed to the elected subject matter previously allowed, and are therefore also allowable. Accordingly, Applicants respectfully request entry of the Amendment under 37 C.F.R. §1.312.

Respectfully submitted,

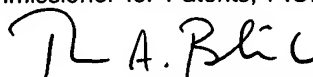
SCHERING-PLOUGH CORPORATION



Thomas A. Blinka
Attorney for Applicants
Reg. No. 44,541
(908) 298-6791

Schering-Plough Corporation
Patent Department
Mail Stop K-6-1, 1990
2000 Galloping Hill Road
Kenilworth, NJ 07033-0530

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on March 16, 2004.



THOMAS A. BLINKA

3/16/04

Date of Signature